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SHORT LITERATURE NOTICES

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Gracia, D.: 2007, *Procedimientos de decisión en ética clínica*. Madrid: Triacastela. 157 pages. ISBN 978-849584840349. Price: € 18.00

Much has been written to identify the best decision-making process for clinical ethics consultation. In this new edition of his classical work, Diego Gracia makes another significant contribution to this field using two different approaches: reviewing the more frequently used methodologies for clinical ethics consultation, and presenting his own methodology for case deliberation. Moreover, he attempts to answer other key questions in the field of clinical ethics such as: How to make good decisions? How to be prudent? Which mechanisms can guarantee a prudential decision? Which procedures can help us to find the correct solution to moral problems?

In the first part of the book, "The methods of clinical ethics", the author reviews the main methodologies currently used in clinical ethics (principalism, virtue ethics, casuistry, narrative ethics), exposing them with an in-depth analysis and critics of their contents. He analyzes their foundation through "the study of the limits of human reasoning, and the search of a transcendental foundation for ethics". His conclusion is that none of them fulfills all the criteria that should be expected from a correct methodology. The second part of the book, "The question for the foundation", is based on the author's conviction that it is not possible to solve procedural problems without knowing the foundations of such procedures. He insists on the importance of finding a balance between the traditional European concerns about the foundations of a methodology, and the pragmatism of the American procedures used in clinical ethics. Using the critics of the traditional models as a starting point, he describes the limits of the human rationality, the structure of the ethical reasoning, and provides a practical procedure allowing interpreting and analyzing the moral problems. Interestingly, the author describes the existing parallelism between clinics and ethics, since both activities deal with incertitude. However, whereas the way of solving clinical problems is through a well-known procedure that allows making decisions with an elevated degree of certitude, things are different in ethics, due to the absence of a well-stipulated methodology able to help in the resolution of ethical dilemmas. Thus, the author proposes the use of a structured procedure to solve ethical concerns, following the model of the "clinical story" traditionally used in medicine, which can be used by all the health-care professionals without difficulties. This method is presented as a third position between the "fundamentalism" of those aiming only to apply the principles, and the "decisionism" of those unable to see beyond the particular case.

It was a great pleasure for me to read this book. I think it constitutes a very helpful tool for people interested in clinical ethics. The description of the main methodologies currently used in the field is so well done that it constitutes an excellent review of this subject. Additionally, the proposed methodology for moral deliberation represents an interesting new tool for helping in the decision-making process during the practice of clinical ethics.

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Martins-Costa J. and Ludwig Möller, L. (eds.): 2009, *Bioética e responsabilidade.* Rio de Janeiro, Editora Forense. 445 pages. ISBN: 978-85-309-2721-9. R$ 79.00

Bioética e responsabilidade [*Bioethics and responsibility/liability*, since the Portuguese *responsabilidade* covers both of the nuances, and the book deals with both of the topics] is a collection of papers that show the vitality and cultural openness of Brazilian bioethics and health law. A boom of translations and national essays, handbooks and articles on this issue has been published over the last few years. This shows the blooming of an intellectual landscape where American and European perspectives are well-represented. It is also a noticeable trend that draws upon liberation philosophy and theology, and claims to give voice to the poor and the marginalised. Last but not least, there is also an activist reading of the Federal constitutional text focusing on access to health care. All this contributes to a greater interest on bioethical issues, in a country where the national health system (*Sistema Único de Saúde*) became a great advance to a state so deeply marked by a gap between the rich and the poor.

This volume, edited by Judith Martins-Costa and Letícia Ludwig Möller, from the University of Porto Alegre, gathers articles not only by Brazilian scholars, but also from scholars teaching in Europe: Roberto Andorno, an Argentinean scholar affiliated with the University of Zurich; María Casado, from the University of Barcelona; Giorgio Resta, from the University of Bari, Italy; Francesco Donato Busnelli, from the Scuola Superiore Sant'Anna, Pisa; and José de Oliveira Ascensão, from the University of Lisbon. Almost all contributors come from the legal field, but in Brazil this usually means an intensive dialogue with bioethics in a narrow sense.

The first articles are more concerned with foundational and general issues: bioethics, responsibility and technoscience (Vicente de Paulo Barretto), discussing different perspectives on responsibility and presenting its new dimensions; hope and responsibility (Letícia Ludwig Möller), discussing, *inter alia*, Hans Jonas and Ernst Bloch; bioethics and complexity (José Roberto Goldim), starting with an approach to Potter's deep bioethics; and last but not least, liberty and dignity as bioethical paradigms (Roberto Andorno), refusing the reduction of human dignity to autonomy. Turning to specific issues, one can find articles on cloning (María Casado), self-determination, procreation and family (Cristiane Avancini Alves), human biological materials, research and commodification (Giorgio Resta), research on human beings, informed consent and civil liability (Heloisa Helena Barboza), the legal and bioethical approach to patents on human stem cells (Márcia Santana Fernandes), sterilisation of women who are incapacitated due to drug addiction (Judith Martins-Costa), body and property (Francesco Donato Busnelli), genetic tests and fatherhood (Elena de Carvalho Gomes), pre-implantation diagnosis, civil liability and fundamental rights (Débora Gozzo) and the end of life-brain death, PVS, terminal care, withdrawing treatment and palliative care (Oliveira Ascensão).

Concerning the editing work, any future new edition should list all references according to the international quotation system. In a debate that is not to wane, the book has quite interesting contributions to some of the most challenging questions in the field. This volume is true food for thought.

João Carlos Loureiro
Coimbra, Portugal

Karafyllis, N. and Ulshöfer, G. (eds.): 2008, *Sexualized Brains. Scientific Modeling of Emotional Intelligence from a Cultural Perspective*. Cambridge, MA: The MIT Press. 416 pages. ISBN: 978-0-262-11317-5. Price €35.00

That people's life success might be more dependent on their emotional quotient (EQ) than on their intelligence quotient (IQ) was famously asserted by the psychologist Daniel Goleman in 1995. Public reaction was tremendous (his book on "Emotional Intelligence: Why It Can Matter More than IQ" became a bestseller), but so was the "scientific immune reaction": to this day, the concept of "emotional intelligence" has strongly influenced research in social neuroscience.

What has been lacking in this scholarship, though, is a thorough scientific analysis of this core concept and its impact on the emotive turn in cognitive science. The edited collection by philosopher and biologist Nicole C. Karafyllis, professor of philosophy at the United Arab Emirates University, Al Ain, and the ethicist Gotlind B. Ulshöfer, postdoctoral researcher at the University of Frankfurt, *Sexualized Brains. Scientific Modeling of Emotional Intelligence from a Cultural Perspective*, finally opens up such a discussion. As they point out in their nuanced and engaging introduction, they are essentially interested in addressing the specific challenges of the scientific interest in defining "essential differences" of male and female brains and behaviours on the one side, and verifying these differences via neuropsychological testing and imaging devices on the other. Scholars from a range of disciplines examine historical (e.g. Michael Hagner on the rise and decline of the "Elite Brain"), epistemological (e.g. Myriam N. Bechtoldt on the problems of transferring concepts, such as emotional intelligence to psychological testing), and societal aspects of techniques, which tend to represent and measure emotions (e.g. Nicole C. Karafyllis on the creation of new sexual stereotypes via defining "extreme male

brains" in autism research). Due to the very different methodological contributions of the essays, this edited volume offers a diverse panorama of the major issues involved. They explore how research on emotions is strongly influenced by normative assumptions about cultural norms, sexual stereotypes, and "gender role types" that to this day are shaping this field of scientific enquiry. The volume also offers readings on the aspect of reshaping one's individual self via biomedical data generated by social neuroscience (e.g. Carmen Baumeler on the psychological agenda of "emotional intelligence" as a guide to successful behaviour in the workplace).

In sum, this edited volume is a must-read for any scholar not only interested in social neuroscience, but also in circles of reference and interpretation that connect both scientific practice with popscience, and mass media with scientific strategies of representing and intervening.

Lara Huber
Mainz, Germany

Nys, T., Denier, Y., Vandevelde, T. (eds.): 2007, *Autonomy and Paternalism. Reflections on the Theory and Practice of Health Care*. Leuven: Peeters. 183 pages. ISBN 9789042918801. Price: € 56.99

This collection of recent and relevant essays about the relationship between *autonomy* and *paternalism* makes a good case for framing those concepts in ways other than simple opposition between irreconcilable principles. It also makes clear that, contrary to what is sometimes thought, a general ascribing of European health care to paternalism is at odds with the general understanding of many theorists and at least some local practices.

Together with the introduction, the chapters by two authors based in America cover the first half of the book. Of the seven independent essays, the one by Eva Kittay is the most detailed of the collection. As is well known (philosopher Alasdair MacIntyre used Kittay's work in his book on *Dependent Rational Animals*), she is critical of the "justice orientation" in bioethics, and articulates an alternative in which the "caring self" is both transparent to the suffering other and different from paternalist authority.

In the second chapter, George Agich focuses on long-term dependency and care, two realities which are not likely to appear in the TV Series *House, M.D.*, as they lack the drama of high technology acute care medicine. He argues for a re-examination of the meaning of "actual autonomy" (O'Neill), suggesting that we have to respect the person as a whole, including the kind of things that this particular person identifies with in the world of everyday life.

The remaining chapters are shorter, but provide supplementary insights to the argument set up by Kittay and Agich. Yvonne Denier defends a "careful solidarity" model in view of the ambiguity present in autonomy, in which she finds both an objective (physical well-being) and a subjective normativity (conceptions of the good life). Drawing both from philosophical literature and recent films such as *The Sea Inside*, Denier sees care as emancipatory, but also speaks of "the horror of being stuck in dependence", something Kittay would see as a more neutral aspect of human existence.

Thirty years after the Belmont Report was published, it is puzzling to realize that an emerging theme in this topic is that "respect for persons" might be a better concept than "respect for autonomy". David Archard tackles the question why consent is supposed to be *the* tool to protect autonomy in healthcare and biomedical research. Eric Matthews agrees with Kittay that a large group of patients lack autonomy, and therefore, it cannot be respected. And Thomas Nys also agrees that, in absence of a discussion on what constitutes the good life, respect for autonomy is insufficient to deal with ethical problems in health care. Finally, Kittay's theme of transparency in the health care relationship is taken up by Heike Schmidt-Felzmann in the context of psychotherapy.

This clearly written and informative book will be of interest to scholars studying the theoretical grounds of contemporary bioethics, to researchers in the broad spectrum of disciplines composing the medical humanities, and to health care professionals with a taste for the philosophical aspects of their work. The introduction by the editors provides an excellent starting point for any discussion of the subject matter, which could be used both in teaching and research. Although the price is expensive for a paperback volume, it provides several ways out of the *cul-de-sac* in which autonomy and paternalism are viewed as a dichotomy or a dilemma.

Antonio Casado da Rocha
San Sebastian, Spain

Powers, M. and Faden, R.: 2006, *Social Justice. The Moral Foundations of Public Health and Health Policy*. New York: Oxford University Press. 229 pages. ISBN: 978-0-195375138, Price: £13.99

While health is essential to human well-being, health care services are almost by definition a scarce resource. Therefore, questions relating to their delivery and financing are inextricably bound up with issues of distributive justice. Nevertheless, public health and health policy are rarely the object of reflection by philosophers aiming to explore their moral foundations with respect to justice. Perhaps this is

due to the belief that philosophical theories of justice do not offer much practical guidance in this regard. For that reason, questions of justice relating to public health and health policy are usually taken up by economists, lawyers and physicians. Hence, the focus tends to be upon single issues. Powers and Faden on the other hand aim to capture what is fundamentally at stake in assessing issues of justice in concrete, real-world settings.

In the first chapter the authors elaborate on the job of justice. Which inequalities matter most? Their aim is to develop a theory of social justice for answering questions of this kind in a variety of circumstances. This theory will definitely not be a so called "ideal theory of justice": a complete set of fully ranked distributive principles governing (in Rawls's terminology) the "primary social goods", an ideal set of principles by which existing social orders might be judged. Powers and Faden believe that in a non-ideal world, questions of justice emerge from the totality of social institutions, practices and policies that both independently and in combination have the potential for a profound and pervasive impact on human well-being in all of its essential aspects. Ultimately, Powers and Faden believe the job of justice to be the achievement of a sufficiency of all the dimensions of well-being.

Of course, such an understanding of justice is in serious need of an account of human well-being. In the next chapter the authors describe six essential dimensions of well-being with which they believe justice is concerned: health, personal security, reasoning, respect, attachment and self-determination. A life substantially lacking in one or more of these dimensions is, according to Powers and Faden, "a life seriously deficient in what is reasonable for anyone to want, whatever else one wants" (p. 29). Sufficiency in each of the essential dimensions, including health, being the positive aim of the theory, a thorough understanding of the interrelatedness of the dimensions is required in order to prevent and mitigate patterns of systematic disadvantage and oppression. Repeatedly, Powers and Faden state that 'inequalities beget inequalities'. The analysis is undertaken in the third chapter.

How to secure a sufficiency of the dimension of health for everyone? In chapter 4 the authors discuss the special moral urgency their theory assigns to groups affected by multiple disadvantages (in the global context as well as within affluent nations). The implications for how medical care and health insurance ought to be financed are considered in the next chapter, which—unlike the rest of the book—focuses on the American experience.

The final two chapters deal with various issues associated with priority setting in health policy. Several formal priority-setting algorithms (cost–benefit analysis, cost–effectiveness analysis, cost–utility analysis, cost–value analysis) are discussed and rejected. Ultimately, counted as unjust by the authors is any algorithm that adversely affects a sufficiency of health or other essential dimensions of well-being for some groups by creating, compounding or perpetuating a range of disadvantages experienced by those segments of society such that the adverse effects are made harder to avoid or escape.

Books on health policy in which philosophical concepts are combined with epidemiological data and advanced health economics, are not very common. Although Powers and Faden do not offer a philosophical theory of justice stricto sensu, they definitely succeed in raising the most pressing moral issues in health policy as well as in pointing out the shortcomings of the formal methods used in health policy analysis that isolate health from other essential dimensions of human well-being. The analysis offered in *Social Justice* is a major step forward in thinking about justice in the context of public health and health care.

Martin Buijsen
Rotterdam, The Netherlands

Monroe, K. R., Miller, R.B., Tobis, J (eds.): 2008, *Fundamentals of the stem cell debate: the scientific, religious, ethical & political issues.* Berkeley: University of California Press. 218 pages. ISBN 978-0-520-25212-7. Price: $ 11.95

The title of this book shows the broad spectrum of approaches that the authors attempt to deal with. The articles included in this volume were presented in a conference organized by the editors at the University of California, Irvine (UCI) Interdisciplinary Center for the Scientific Study of Ethics and Morality, in May 2004. The volume is composed of eight chapters that are basically related to the North-American scenario regarding this subject.

In the introduction, the editors make explicit their aim of giving an overview of the essentials of the controversies concerning embryonic stem cells in a language—as they say—that the public can understand. The authors emphasize the importance of the public debate because of the immediacy of the decisions confronting citizens and policy makers in this field. The essays that compose the volume try to accomplish this challenge.

The first two chapters review the scientific aspects of stem cells, their potential both to proliferate without differentiation and to differentiate into many tissues, and offer a clinical perspective of the issue. A number of figures illustrate the first chapter, helping to understand the scientific dimension of the topic. The amount of technical information is important, but maybe at this point the article could be closer to the aim of the editors concerning a more simple language for the reader not familiar with the

subject. The discussion about the ethical issues involved in the use of embryonic stem cell research is the main focus of chapter 3, a critical and accessible article which discusses in detail the moral status of the embryo. Chapter 4 gives an overview of various religious perspectives on the subject in a neutral and didactic way. Chapters 5–8 have a common background: the political controversies over the use of embryonic stem cells. Among the issues often discussed in the essays are: how a pluralistic society like the United States should develop a public policy regarding ethically contested matters? How to solve the conflicts between private and public funds on embryonic stem cell research? and how can science be demarcated from politics?

From the preparation to the publication of a book, some time is required. As bioethical and political issues change in a rapid way, this volume suffers from this passing of time since many articles were written referring to President George Bush's regulations on embryonic stem cells. The positive point is that they give a critical overview of this subject at that time, an element that is always useful to have an idea of the discussions during that period, and which may help to better understand the current debate.

Cristiane Avancini Alves
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Bennett, B.: 2008, *Health Law's Kaleidoscope. Health Law Rights in a Global Age.* Aldershot: Ashgate. 162 pages. ISBN 978-0-7546-2631-2. Price: £50

This slim volume addresses the question of the ever-changing, hence 'kaleidoscopic', mixture of globalization, health and regulation in response to cultural differences, regulatory preferences and available resources. The text consists of eight individual and very selective chapters. Chapter 1 ponders questions of how to regulate in this fast evolving area, looking at the promissory language used and the question of risks, without delving into sufficient depth at this stage to satisfy this rich topic. In chapter 2, the changing notion of 'family' in the context of IVF and gamete donation is explored and the discussion of access to treatment and relationships culminates in a proposal to rethink the concept of 'family'. This discussion of a decreasing significance of genetic relationships congruously leads to chapter 3, in which genetics and, particularly, reproductive cloning are the focus. Through questions of the identity of the clone to the issue of genetics and identity the circle of chapters 2 and 3 is closed. Chapter 4 reflects on "Reproductive Rights in a Posthuman World". Bennett raises a vital question by admitting that the remit of her explorations is that of Western liberal democratic societies. This well-written chapter is guided by a case study along issues such as genetic testing, sex selection, genetic modifications and puts these under the umbrella question of 'human dignity'. Chapter 5 addresses globalization in terms of health tourism before, in chapter 6, giving "Globalization and Public Health Law" a more extensive discussion. This enables the reader to bridge the question of public health ethics, particularly overriding individual choice in favour of the many, with the penultimate chapter. Here, in chapter 7, the concept of autonomy is discussed in detail, before chapter 8 closes the book with some concluding thoughts.

Bennett mixes a very selective range of topics, such as reproduction, genetics, health tourism, public health and autonomy. Much of the text focuses on reproductive rights, so that the book's claim—a look at "Health Law" as a whole—does not appear satisfied. At the same time, the hidden reference to health law rights in a global age is certainly reflected in her insightful and valuable discussion of globalisation in chapters 5 and 6, which, in the context of the overall text, is only let down by her concentration on Western democracies. Finally, the discussion of the significance of genetic relationships in the face of modern biotechnology is certainly a worthwhile read.

Nils Hoppe
Hanover, Germany

Elger, B., Biller-Andorno, N., Mauron, A., and Capron, A. (eds.): 2008, *Ethical Issues in Governing Biobanks: Global Perspectives*. Aldershot: Ashgate. 257 pages. ISBN 978-0-7546-7255-5. Price: £60

This book is an edited volume documenting the results of an international project on ethical issues relating to genetic databases or biobanks. It is an easy read as it is well structured and lucid, accompanied by informative references. It is made up of three main sections consisting of short to-the-point chapters. The three sections present the state of the art regarding ethical debate on biobanks, the project report and musings on the future of biobanks and genomic research, respectively.

Chapter 4 is the key chapter which summarizes aims, methodology and results of the project, which is a collaborative effort between academics in Switzerland and North America, under the auspices of the World Health Organisation (outline of main results, pp. 45–7). The main results raise a fundamental yet unresolved matter as to the nature of genetic databases. Are such large depositaries of information research infrastructure? Or should their role in public health be more immediate and current? The volume goes quite some way in clarifying and supplying material to develop arguments in support of both conceptualisations.

Although not setting out to provide policy guidance, the project identifies that international guidelines on consent,

confidentiality, ownership and benefit sharing, the key themes that run through the volume, are inadequate. At crucial junctures the inevitable delegation of power on elaborating specifics to national bodies reduces the utility of international guidelines (p. 33).

This book seeks to contribute to the formulation of an ethically based regulatory framework at the global level through the promotion of intercultural dialogue on ethical aspects of genetic databases (p. 39). The thorough and careful analysis of participants' responses in the second section of the book strengthens its claim to such a contribution. The chapters on collective consent, anonymization and coding and ownership of samples were particularly interesting. The general lack of informed engagement in discussions on property relationships is indeed a common feature of the debate on ownership at the national and even more so at the international level, when it involves the notion of the common heritage of humanity (pp. 201–3).

The objective of bringing together a cross section of a diverse range of geographical and professional respondents on genetic databases in order to deepen the discussion on existing barriers to the establishment of a global framework for genetic databases is laudable, and sets a good example for a future study and also other studies involving challenges similar to those posed by genetic databases. It leads one to wonder whether such a method of participant selection also allows for the expression of a larger diversity of ethical ideas, or only regional variations of ethical viewpoints broadly based on the economic and political model that liberal secular societies are based on.

It leaves the reader with a wide range of thought provokers such as the notion of broad consent, the importance of non-anonymization and the direct proportional relation between genetic determinism and concerns regarding commercialisation. This volume is an interesting, timely and comprehensive work on the subject and it was a pleasure to read.

Chamundeeswari Kuppuswamy
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Porz, R.: 2008, *Zwischen Entscheidung und Entfremdung. Patientenperspektiven in der Gendiagnostik und Albert Camus' Konzepte zum Absurden.* Paderborn: Mentis Verlag. 373 pages. ISBN: 978-3-89785-622-6. Price: € 48.00

In this book, the author analyzes life situations and patients' perspectives of persons who had to decide for or against undergoing genetic testing. Genetic testing is one of the fields of medicine which is particularly predestined for the genesis of absurd life situations. Therefore, the book focuses on humans finding themselves in borderline situations *[Grenzsituationen]* between decision and alienation, searching for new meaning in their lifeworlds and perspectives to cope with actual or potential illnesses. What do these patient perspectives look like? How can they be understood? Regarding methodology, the author dares to enter a rather unknown terrain. The study is dedicated to the field of empirical ethics and based on qualitative interviews which are evaluated not only using conventional tools but also by means of philosophical concepts, explicitly Albert Camus' concepts of absurdity.

The book is composed of six clearly arranged chapters. The first and the second chapter describe the background and methodology of the research project. The third chapter presents the results of the qualitative interviews. The fourth and the fifth chapter constitute the major objective of this book: after introducing the philosophical concepts of absurdity they are compared to selected patient stories. The author draws conclusions from these comparisons which are, according to him and in my opinion correctly noticed, scarcely discussed in this form in the bioethical debate. For example, he shows that genetic testing patients are able to get over their absurd life situations through body images, body assurances and creating new narratives. The last and particularly recommendable sixth chapter deals with the research field of empirical ethics in an amusing and essayistic way, and with the thesis of identifying Albert Camus as an "ethicist".

The author is convincing in many respects. This book, which is a linguistically revised version of his doctoral thesis, is very clearly constructed. The detailed description of the methodological context offers a very useful and valuable overview for everyone who deals with empirical ethics in bioethics. Furthermore, it is very well argued that empirical data—the interview stories—and theoretical concepts—Camus' concepts of absurdity—can enrich each other. Philosophical concepts gain in comprehension and value for practical concerns by referring to human experiences and thus effectively disclose new accounts for the bioethical debate on genetic testing and patient perspectives.

Eliane Pfister
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